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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,384	12/21/2001	John S. Cox	RSW920010209US1	1002

7590 08/19/2003

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EXAMINER

WACHSMAN, HAL D

ART UNIT PAPER NUMBER

2857

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/026,384

Applicant(s)

COX ET AL.

Examiner

Hal D Wachsman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2, 4, 7, 9, 11 and 14 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 6, 8, 10, 12, 13 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Hal D Wachsman  
Primary Examiner  
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1. The drawings have been approved.
2. The first sentence of the Abstract states "A Web application testing method." however this sentence appears to be incomplete as no further information is provided in the sentence with respect to what the method involves. Appropriate correction is required.
3. On page 3, line 5, of the specification it appears that the word "of" is missing between the words "duplication" and "the". On page 5, line 15, of the specification it appears that the word "be" is missing between the words "can" and "retrieved".
4. Claims 9-15 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The preamble of claim 9 states "...said computer program comprising a routine set of instructions for causing the machine to perform the steps of" however it is not clear here that the computer program is being executed here such as on a general purpose computer, so as to realize the functionality of the machine readable storage which stores the computer program. Claim 12, line 1, cites "said dispatching step" which lacks antecedent basis. The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2, 7, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Weinberg et al. (5,974,572).

As per claim 2, Weinberg et al. (figures 11, 12, col. 2 lines 32-34, col. 23 lines 52-55, col. 25 lines 10-13, col. 32 lines 29-36, 40-46) disclose "intercepting a network message from one of a plurality of network clients". Weinberg et al. (Abstract, figure 12, col. 2 lines 32-38, col. 6 lines 58-67, col. 7 lines 15-23, col. 9 lines 22-27, col. 18 lines 48-51, col. 32 lines 29-32) disclose "identifying session data ....and retrieving state information for said session in the Web application". Weinberg et al. (Abstract, figures 28-30, col. 2 lines 39-48, col. 3 lines 5-34) disclose "selecting an operation and associated operational parameters from a Web scenario template based upon said retrieved state information". Weinberg et al. (Abstract, figure 12, col. 2 lines 35-38, col. 6 lines 58-67, col. 7 lines 59-65, col. 8 lines 48-60) disclose "invoking operations in the Web application ...said selected operation and associated operational parameters".

As per claim 7, Weinberg et al. (Abstract, figures 28-30) disclose "selecting one of a set of Web scenario templates". Weinberg et al. (Abstract, figures 28-30, col. 2 lines 39-48, col. 3 lines 5-34) disclose "further selecting from within said selected Web scenario template....and associated operational parameters based upon said retrieved state information".

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As per claim 9, Weinberg et al. (figures 11, 12, col. 2 lines 32-34, col. 23 lines 52-55, col. 25 lines 10-13, col. 32 lines 29-36, 40-46) disclose "intercepting a network message from one of a plurality of network clients". Weinberg et al. (Abstract, figure 12, col. 2 lines 32-38, col. 6 lines 58-67, col. 7 lines 15-23, col. 9 lines 22-27, col. 18 lines 48-51, col. 32 lines 29-32) disclose "identifying session data ....and retrieving state information for said session in the Web application". Weinberg et al. (Abstract, figures 28-30, col. 2 lines 39-48, col. 3 lines 5-34) disclose "selecting an operation and associated operational parameters from a Web scenario template based upon said retrieved state information". Weinberg et al. (Abstract, figure 12, col. 2 lines 35-38, col. 6 lines 58-67, col. 7 lines 59-65, col. 8 lines 48-60) disclose "invoking operations in the Web application ...said selected operation and associated operational parameters".

As per claim 14, Weinberg et al. (Abstract, figures 28-30) disclose "selecting one of a set of Web scenario templates". Weinberg et al. (Abstract, figures 28-30, col. 2 lines 39-48, col. 3 lines 5-34) disclose "further selecting from within said selected Web scenario template....and associated operational parameters based upon said retrieved state information".

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (5,974,572) in view of Klopp Lemon et al. (2002/0156881).

As per claim 4, Klopp Lemon et al. (Abstract, paragraphs 0037, 0045, 0051, 0062, 0083) teach the feature of this claim. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of Klopp Lemon et al. to the invention of Weinberg et al. because Klopp Lemon et al. (see at least abstract ) monitors HTTP transactions between a server and a client which would be of use in monitoring the HTTP-level messages generated by the Web browser in Weinberg et al. (see col. 23 lines 52-59 of Weinberg et al.).

As per claim 11, Klopp Lemon et al. (Abstract, paragraphs 0037, 0045, 0051, 0062, 0083) teach the feature of this claim. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of Klopp Lemon et al. to the invention of Weinberg et al. because Klopp

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Lemon et al. (see at least abstract ) monitors HTTP transactions between a server and a client which would be of use in monitoring the HTTP-level messages generated by the Web browser in Weinberg et al. (see col. 23 lines 52-59 of Weinberg et al.).

9. Claim 1 is allowed.

Claims 3, 5, 6, 8, 10, 12, 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and subject to the appropriate correction of the 37 C.F.R. 1.75(a) objections noted above.

Claim 1 is allowable over the prior art because the prior art does not disclose or suggest a server-side load driving mechanism configured to select individual ones of a sequence of Web application operations and associated operational parameters in a Web scenario template based upon an identified state of the Web application, the server-side load driving mechanism being further configured to dispatch operations in the Web application which correspond to the selected individual ones of the Web application operations and associated operational parameters.

Claims 3, 6, 10 and 13 would be allowable over the prior art if rewritten as described above because the prior art does not disclose or suggest intercepting a network response to invoked operations in a Web application, the operations corresponding to selected operation and associated operational parameters from a Web scenario template; forwarding the network response to a network client; retrieving new state information for the Web application corresponding to session in the Web application and then selecting an operation and associated operational parameters from



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a Web scenario template based upon the retrieved new state information; and invoking operations in the Web application, the operations corresponding to the selected operation and associated operational parameters.

Claims 5 and 12 would be allowable over the prior art if rewritten as described above because the prior art does not disclose or suggest executing a dispatch-include servlet operation based upon a selected operation and associated operational parameters from a Web scenario template based upon retrieved state information for a session in a Web application.

Claims 8 and 15 are allowable over the prior art because the prior art does not disclose or suggest selecting one of a set of Web scenario templates by establishing a mixing percentage for each one of the Web scenario templates, the mixing percentage specifying a frequency for which the Web scenario template will be selected and selecting one of the set of Web scenario templates according to the established mixing percentage for the one of the set of Web scenario templates.


10. The following references are cited as being art of general interest: Duggan et al. which disclose a multi-user application program testing tool, Scarlat et al. which disclose testing a transactional server over a wide area network and Marullo et al. which disclose the verification of web server applications.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Hal D Wachsman  
Primary Examiner  
Art Unit 2857

HW  
August 6, 2003